

Appln No. 09/747,392  
Amdt date January 18, 2006  
Reply to Office action of October 18, 2005

### **REMARKS/ARGUMENTS**

Claims 1-7 and 20-27 were pending in this application when last examined by the Examiner. Claims 4-7 stand allowed. Claims 1 and 2 have been amended. Claim 28 has been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration, reexamination, and an early indication of allowance of the now-pending claims 1-7 and 20-28 are respectfully requested.

Claims 1 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haimi-Cohen in view of Maeda et al. (U.S. Patent No. 5,839,110). Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Haimi-Cohen. Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite "selecting speech frames from an uplink and a downlink signal, the selecting being based on an analysis of a received or a transmitted speech frame for a level of data content, wherein each speech frame with a detected level of data content below a threshold level is not selected for recording." (Emphasis added).

Haimi-Cohen makes no mention of analyzing speech frames for a level of data content in order to select them for recording.

Maeda teaches checking whether a supplied speech signal is larger than pre-set threshold values. (Col. 7, lines 42-46). If the supplied speech signal is lower than a pre-set threshold value, a mute counter is incremented by one. (Col. 7, lines 58-61). In Maeda, however, the low speech signals continue to be recorded until the mute counter reaches a certain value. (See, FIG. 6, step 26). As explained in Maeda,

"the portable telephone set effectuates recording unconditionally until a certain number of frames is reached, for example, until the mute counter reaches a pre-set count value MC. The count value of the mute counter is then compared to a count value of the other mute counter. The portable telephone set is controlled at this time for recording the signals associated with a smaller one of the count values of the mute counters." (Col. 7, line 62 - Col. 8, line 3). (Emphasis added).

Accordingly, claim 1 is now in condition for allowance.

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Claim 2 includes limitations that are similar to the limitations of claim 1, which make claim 1 allowable. Accordingly, claim 2 is also in condition for allowance.

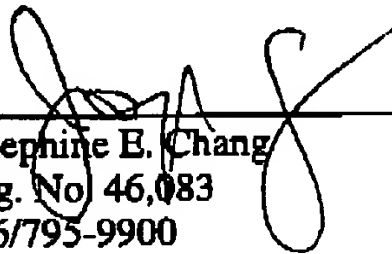
Claims 3 and 20-27 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claim 28 is new in this application. Claim 28 is also in condition for allowance because it depends on an allowable base claim, and for the additional limitation that it contains.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration, reexamination, and an early indication of allowance of all pending claims 1-7 and 20-28.

Respectfully submitted,  
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